

Notice of Allowability

Application No.

10/734,736

Examiner

Hugh B. Thompson II

Applicant(s)

WOLLENBERG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Telephone Interview of 9-19-05.
2. ☒ The allowed claim(s) is/are 1-4,6-14,19-22 and 24-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>9-19-05</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>8-29-05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Marcus Simon on September 19, 2005.

The application has been amended as follows:

IN THE SPECIFICATION:

Page 1, line 4, after "2002", *--now abandoned--* has been inserted.

IN THE CLAIMS:

Claims *30-46* have been cancelled.

Claims 1 and 19, line 11, "such that" has been changed to *--to position the support member in a first position in which--*.

Claims 1 and 19, lines 11 and 13, "of the support member" has been changed to *--thereof--*.

Claims 1 and 19, line 12, "and" has been changed to *--, and each support module--*.

Claim 1, line 13, "such that" has been changed to *--to position the support member in a second position in which--*.

Claims 2 and 20, line 4, "projection" has been changed to *--projecting--*.

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Claims 2 and 20, lines 5-6, “such that the first longitudinal axis of the support member is approximately aligned with the second longitudinal axis of the main support” has been changed to *--to position the support member in the first position--*.

Claims 3, 6, 21, and 24, lines 4-5, 9-11, 4-5, and 9-11 respectively, “such that the first longitudinal axis of the support member is approximately orthogonal to the second longitudinal axis of the main support” has been changed to *--to position the support member in the second position--*.

Claims 6 and 24, lines 5-6, “such that the first longitudinal axis of the support member is approximately aligned with the second longitudinal axis of the main support” has been changed to *--to position the support member in the first position; and--*.

The following is an examiner’s statement of reasons for allowance: the primary reason for the allowance of claims *1 and 19* is the inclusion of each support module removeably coupleable with the coupling members to position the support member in a *first position* in which the longitudinal axis of the support member is *aligned* with a second longitudinal axis of the main support, and each support module removeably coupleable with the coupling members to position the support member in a *second position* in which the longitudinal axis of the support member is *orthogonal* to the second longitudinal axis of the main support. For claim *11*, it is the inclusion of the support arm attached to the support member proximate its distal end, the proximal end of the support member being removeably coupleable with the first or second coupling member to position the support member in a *first position* that is *aligned* with the main support, and the engagement arm of each support module attached to the support member and

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being removeably coupleable with the corresponding coupling member to position the support member in a *second position* that is *orthogonal* to the main support. For claim 26, it is the inclusion of the method steps requiring stabilizing the ladder using the support modules and decoupling the support modules from the coupling members while the main support is still coupled to the ladder, after the support modules have been removeably coupled to coupling members by means of the projecting portion of the support member. The prior art of record fails to teach or suggest the claimed features absent the applicant's own disclosure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II
Primary Examiner
Art Unit 3634

September 19, 2005